



**PATENT**  
Attorney Docket No. S-020211US

3736  
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2-9-04

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Tom Faciszewski, M.D.      **EXAMINER:** McCrosky, David J.

**SERIAL NO.:** 10/074,512      **CONFIRMATION NO.:** 8237

**FILED:** February 11, 2002      **ART UNIT:** 3736

**FOR:** *BIOPSY/ACCESS TOOL WITH INTEGRATED BIOPSY AND ACCESS CANNULA AND USE THEREOF*

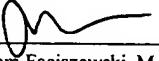
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**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

January 22, 2004  
Date

By:   
Tom Faciszewski, M.D.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §1.56, 1.97 and 1.98, Applicant directs the attention of the U.S. Patent and Trademark Office ("US PTO") to the reference(s) listed on the attached Form PTO-1449. One copy of each reference is attached. Applicant respectfully requests that the US PTO expressly consider the information during prosecution of this application, and make the reference(s) of record therein, appearing among the "References Cited" on any patent to issue therefrom.

1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required. 37 CFR 1.97(b)(1)(2)(3).

2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance. 37 CFR 1.97(c)(1)(2). I hereby:

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a. certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1).

b. certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2).

c. attach Check No. 2253 in the amount of \$180.00 for the fee required under 37 C.F.R. 1.17(p) to ensure consideration of the disclosed information.

3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. A petition requesting reconsideration of the Information Disclosure Statement along with the requisite fee set forth under 37 CFR 1.17(i) accompanies this Information Disclosure Statement. Please debit or credit the \$130.00 fee to Account No. 03-1182, or as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached. 37 CFR 1.97(d)(1)(2)(3).

a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1).

b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2).

4. The Supplemental Information Disclosure Statement and Form PTO-1449, filed on \_\_\_\_\_, with the US PTO in the parent application (No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. §120) failed to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP §609. Accordingly, the Information Disclosure Statement was placed in the parent application file, but the information referred to therein has not been considered as to the merits. Copies of all references cited are attached for the convenience of the Examiner.

Applicant respectfully requests that the Examiner consider the listed documents and formally make them of record in the present application, returning an initialed copy of Form PTO1449 to the Applicant in accordance with MPEP §609.

Applicant's filing of this Information Disclosure Statement is not an admission that the information cited in the statement is considered material to patentability as defined in 37 CFR 1.56(b).

Respectfully submitted,



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Date: January 21, 2004